THE COURTS.

Important Decision from the Court of Appeals -- Interesting to Criminal Lawyers.

BUSINESS IN THE OTHER COURTS.

Close of the September Term of the Court of uyer and Terminer-Judge Brady on Embezzling Clerks Disposal of Three Homicide Cases-Phonographers' Fees -General Sessions Cases.

In the United States Circuit Court, yesterday, a petition was placed on file by the National Bank of he Commonwealth, of this city, against the Comptroller of the Currency and Mr. Isaac H. Bailey, who claims to act in the capacity of receiver by right of an appointment by the Comptroller. The petition asks that Mr. Bailey be forthwith prevented from taking any further proceedings in the receivership, and alleges that the Comptroller took those proceedings in pursuance of an untrue notice to the effect that the bank declined or resused to redeem its \$5 circulating notes, when, as is claimed by the bank, they never made any such refusal. The petition calls for a citation requesting the Comptroller to show cause why he should not be restrained from turther proceedings in the matter; and this citation is made returnable on the 7th

Yesterday the list of supervisors of election 'for the Sixth Congressional district was forwarded to Judge Benedict for his signature. In all probability the supervisors will be sworn in to-day.

In the United States Commissioners Court, yes-terday, Edward Walker, who had been charged with having been engaged in the business of counterfeiting, at Tremont, Westchester county, was held to await the action of the Grand Jury.

Abraham Morris and Simon Sklareck were yesterday brought before Commissioner Shields and charged with having committed fraudulent acts of bankruptcy by conceasing from their assignee, Mr John Todd, and omitting from their schedules, property and effects belonging to their creditors, and by attempting to account for this property by statements of fictitious losses and expenses. These are the allegations contained in the complaint which has been lodged against the defendants, who have given ball in the sum of \$5,000 each to answer the charge.

A respectable looking man, named M. T. Baily, was charged yesterday, before Commissioner Shields, with having passed a counterfeit \$100 bili of the Central National Bank of the City of New Yory upon Isaac Hirschberg, No. 1023 Broadway. The defendant, it appears, went into Hirschberg's store and purchased a soit of clothes, in payment for which he offered the bill in question. He was arrested by the officers. Several merchants were present in the court room, and many of them tated that they knew the defendant as a respectable, honest man, and that this matter must entirely have been the result of a mistake on his part as to the genuineness of the bill. Defendant was held in \$1,000 ball for examination. He gave ball to that amount.

Several important matters, including three homicide cases, were disposed of yesterday by Judge Brady in the Court of Oyer and Terminer. The Court then adjourned till next Monday, the beginning of the October term. Meantime, the District Attorney announced that the only murder nell, King, Simmons, Broderick and McDermott. In only two of these cases did the homicide occur within the present year. Stokes' third trial has been definitely set down for next Monday. The case of McDermott was postponed yesterday because his counsel was not ready, and for the reason that, the defence being insanity, the trial was likely to be a long one and would interfere with the Stokes trial.

All day yesterday was consumed in Supreme Court, Chambers, before Judge Fancher, in the continuation of the argument to set aside the decree of Judge Cardozo in the Adams Express Company litigation. The argument is to be resumed at three o'clock this atternoon and will then doubtless be

COURT OF APPEALS.

Interesting to Criminal La This Court yesterday morning decided the Elizabeth Ormsby case by reversing the conviction. It was recently argued by Mr. Hall, and brought up the whole law of conspiracy and complicity, and an interesting question whether a person on trial ought to have a neglect to produce evidence in defence construed as indication of guilt. City Judge Sutherland and the General Term held the latter proposition affirmatively. The opinion of the latter, published at the time in the Herald, the latter, published at the time in the Herrald, said of Elizabeth Ormsby (who was said to have aided a woman named Newman in stealing a shawl at the store of McCreery & Co.):—"She apparently aids her guilty companion, and when placed upon trial offers no evidence or explanation, resting alone on the supposed insufficiency of the proof against her and the assumed illegality of the proof against her and the assumed illegality of the proof against her and the assumed illegality of the proof against her and the assumed illegality of the proceeding. Proof of good character would under such circumstances have doubtless assisted her and removed any doubt that might have existed. Silence in the law is frequently an important element and determines the rights of persons." To this doctrine Counsellor Howe on the trial duly excepted, and in an earnest argument, last week in Albany, his associate counsel, Mr. Hall, combated the subtroduction of civil law views into cases concerning his and inverty, and, as is now seen, with success. The alleged shop-lifter will now be brought down for a new trial.

Declaions.

Judgment Amrmed, with Costs—Hall vs. 0'Co

iell.
Judgment Affirmed—Haggerts vs. The People.
Judgment of the Supreme Court Reversed and Vrit of Error Granted—Haggerty vs. The People, Judgment Reversed and New Trial Granted— Omesby vs. the Peeple, &c.
Judgment Reversed and New Trial Granted, Costs
to _bide Event—Baltzer vs. Nicoly.
Judgments Reversed and Compaints Dismissed,
with Costs—Kelly vs. The Staten Island Railroad
Company; Madden vs. The same; Landers vs. The

Company, madely vs. The same; Landers vs. The Same.

Order Affirmed, with Costs—Corey vs. Long.
Order of General Term Reversed; Judgment for Plaintin on Verdict, with Costs—Devoe vs. Brandt.
Order Reversed and Motion Granted, with Costs—Bowen vs. True.
Appeals Dismissed, with Costs—Brown.
Motion Denied—Bowen vs. True.
Motion Denied, with Costs, with Leave to Appellant to Dismiss the Appeal on Payment of Costs of the Appeal—Van Garden vs. Eckert.
Motion Granted, with Costs—Remington vs. Shaw. Calendar for To-Morrow.

ALBANY, Sept. 30, 1873.

The following is the Court of Appeals day calenday for October 1:—Nos. 26, 27, 31, 33, 35, 36, 37, 13.

BUSINESS IN THE OTHER COURTS.

COURT OF OYER AND TERMINER.

Larkin Given Ten Days in the City Prison - Modern Embezziements as Viewed by Judge Brady-Narrow Escape from the Gallews-Another Instance of Drunken Despotism.
The same unfailing crowd was present on the reopening yesterday morning of the Court of Oyer and Terminer, Judge Brady occupying the bench. Come what will, dreadful devastations of disease, disasters on sea and on land, financial revolutions, balloon fizzles and what not, this Court is sure to

be crowded. Pirst in order was see sentence of William Larkin, who, it will be remembered, on the day previous, at the instance of Mr. William F. Howe, his counsel, pleaded guilty to manslaughter in the fourth degree for killing Jacob Havestraw, a German barber. Judge Brady said that he was satisfied that the killing was accidental, and he therefore, in consideration of his plea, should mete out to him a very light punishment-ten days in the City The prisoner showed his appreciation of the lenlency of the Court and in the warmest terms thanked his counsel for the pathetic appeal made

in his behalf, to which he attributed his escape

JUDGE BRADY ON EMBEZZLING BANE CLERES. ceeding the sentence of Larkin a motion was made by Mr. Jordan for the reduction of bail in the case of John D. Couse. The accused is charged with the embezziement of \$25,000 from Lawrence Brothers, brokers, while a clerk in their employ. Ten indictments had been heard against him, and the ball had been fixed at \$30,000 by Judge Daniels, in Supreme Court. Chambers. Mr. Jordan made a final appeal on behall of the accused. He spoke of the Magna Charta, the heart that beats for humanity in Judge Brady's bosom and the respectability of the prisoner. He said the money was not applied to selfish purposes, but for speculation, and that as the offence was one act the bail was ex-

Assistant District Attorney Russell claimed that the question had already been decided, the matter having been passed upon on habeas corpus by Judge Daniels. At any rate, it was time, he urged, in view of the f equent embezzlements and brenches of trust of late in this city, that the ball should be fixed at such a sum as would secure the punishment of the offender.

breaches of trust of late in this city, that the ball should be fixed at such a sum as would secure the punishment of the offender.

Judge Brady said that a man who occupies a position of trust is bound to be more than ordinarily watchild, and when he abuses his trust he becomes the greatest of all criminals. To secure his punishment, with a view to provent a repetition of such offences, the bail should be fixed at such amount as to insure his personal attendance. The safety of the community was involved in the proposition that such offences must be severely dealt with, and the greater the respectability the more sure should be the punishment. He thought that \$30,000 bail was not too great in this case, and therefore denied the motion for its reduction.

It was stated that Lawrence Brothers had been offered a return of the amount embezzied if they would not press the charge, but that they refused, saying that they could better afford to lose the money than to allow the offence to go unpunished.

SENT TO STATE PRISON FOR LIFE.

Next in order was placed at the bar Michael McKenna, charged with murder in the first degree in having caused the death of Michael Lunney on the 19th of last July. The prisoner boarded, with others, at the house No. 64 Clarkson street, kept by Lunney and his wile. The former long suspected the prisoner of too great intimacy with his wife, and this suspicion was the cause of frequent sispates between the two men. Early on the night of the murder Lunney and McKenna had a controversy in which the woman sided with the prisoner. The dispute waxed hot and flerce, and ended, for the time being, by McKenna leaving the nouse. After this the woman and deceased continued the time cause of the dist urbance. No sooner had be done so than he was contronted by the prisoner, who flourished a fearful looking butcher knife and plunged it into the abdomen of Lunney, inflicting a rightful wound, from the effects of which he died. Almost immediately McKenna at once fied and went to the house of Charles Roch,

for life.

Mr. Sparks, the Clerk, asked the prisoner if he had anything to say why sentence should not be passed upon him.

Mr. Howe (with marked emphasis)—Nothing.

McKenna was not to be put down in this way.

He said that he first heard Mrs. Lunney yelling for the police from the window; that three men endeavored to pound in the door; that he kicked in a panel; that Lunney then rushed upon him with a kulfe and cut him, and that whatever he did was in self-defence.

knife and cut him, and that whatever he did was in self-defence.

Judge Brady, in passing sentence, said that if he acted in self-defence he should not plead guilty. The fact of his having entered such plea by advice of counsel was conclusive to his own mind that Mr. Howe doubted his ability to establish such a de ence. He must, under the circumstances, assume the facts stated by the District Attorney to be true. Violence was becoming rampant in New Yerk, and the use of the knife and pistol had been a mere pastine. He was determined to stop the reign of runfianism as tar as his power lay, and he would order that the prisoner he confined in State Prison, at hard labor, for the term of his natural life.

McKenna was then removed. He did not appear

McKenna was then removed. He did not appear in the least disturbed upon receiving the announcement of his doem.

THE PELANCEY STREET HOMICIDE.

Closing the business of the day was the trial of Peter Carsell, who had been indicted for murder in the first degree for killing Thomas Wilson, a brother of Captain Wilson, of the Police Department. He was represented by Mr. Howe as counsel and Mr. Russell conducted the prosecution. After the witnesses for the prosecution had given their testimony, which showed that Wilson was drunk and the assailant, Mr. Howe called the prisoner to the stand. He stated that he was by occupation a house mover and that he had never been arrested before. On the night of the 14th of last July he was coming home, and when within twenty-five feet of his house Wilson stepped up to him and asked him what he meant by talking to a woman so. He had said nothing to the woman, but probably was mistaken for another mah. Wilson called him vile names and stepped up toward nim when he put out his hand to push him away, when the deceased fell; he did not strike him and never saw him belore.

Dr. Bergs testified that he was assistant surgeon at Bellevue Hospital; he was in the Thirteenth precinct station house when Wilson was brought in he saw him fell back in his chair and hit his head against the window sill and then fall to the floor.

Several witnesses testified to the good chargeer of the prisoner, when the case, after a long charge.

Several witnesses testified to the good character of the prisoner, when the case, after a long charge from the Judge, was given to the Jury. The latter were ont but a short time. They found the prisoner guilty of manislaghter in the fourth degree, but with a strong recommendation to mercy. The Court under this recommendation, and not believing that there was any criminal intent, sentenced him to ten days in the City Prison.

The Court adjourned sine die, which means till next Monday, when the October term will begin.

SUPREME COURT CHAMBERS. Decisions.

By Judge John R. Brady.

Lilienthal, &c., vs. Ocean National Bank, New York.—I deem it necessary only to say that the demurrer cannot be said to be frivolous, and the motion must be denied, with \$10 costs, to abide event.

By Judge Fancher.

Steele vs. Steele.—Order of reference granted, to take proof and report.

In the Matter of the Application of Birdsail and Others, for Appointment of a Trustee, &c.—Petition granted and trustee appointed.

Cassidy et al. vs. Schedel.—Form of order settled and receiver and referee appointed.

In the Matter of Petition of George Caspar for Custody of Children, &c.—Report of referee confirmed, &c.

irmed. &c.
Independent Social Circle vs. Solomon et al.—
Motion granted, with \$10 costs, to abide event.

SUPERIOR COURT-SPECIAL TERM. Payment of Stenographer's Fees. Before Judge Curtis.

Application was made yesterday to punish for contempt Thomas J. Barr, receiver in the well known Bininger case, for not obeying an order of the late Judge McCunn directing the payment of \$600 to Michael J. Kelly, the stenographer in the case. It was stated that the order was granted on the amdavit of Jacob A. Gross, one of the the affidavit of Jacob A. Gross, one of the counsel in the case, and that though repeated applications had been made for the payment of the money the same had been reused. On the other side it was contended that the stenographer was employed by the assignee in bankruptey, and that all the funds were paid at the time into the Bowling Green Savings Bank, and that the assignee alone was responsible for the payment of the money in question. After hearing the argument Judge Curtis took the papers, reserving his decision.

Decisions. vs. Kalbfleish et al.-Motion for a refer-

Evans vs. Kaibfieish et al.—Motion for a reference granted.

Bruce vs. Davis.—Motion to place cause on special calendar granted.

Black, Trustee, vs. White.—Motion to set aside summons granted without prejudice. (See Memorandum.)

Miller vs. Riley.—Motion for a reference granted. Anderson vs. Williams et al.—Findings settled and filed. Allowance to plaintiff of \$200.

Schmid vs. Arguimbau.—Order that defendant have leave to defend on terms.

Koneck vs. Osoldson.—Order setting aside judgment and defendants allowed to come and defend on terms.

Barnum and Another vs. Pursell.—Order denying otion for injunction.

Gailagher vs. Baldwin.—Order appointing re-

ceiver.

Hayden vs. Demeis and Another.—Order that judgment of aftirmation of Court of Appeals be made the judgment of this Court.

New York Lead Company vs. Keyles.—Order everruling defendant's answer as frivolous, with \$10

COURT OF COMMON PLEAS-CHAMBERS Decisions.

By Judge Joseph F. Daly. Faikenberg vs. Semmons.—See opinion. Hutchinson vs. Guthrie.—See opinion.

COURT OF GENERAL SESSIONS. Minor Assaults.

Before Judge Sutherland. Yesterday Jane McGinness, who was charge with striking Bridget Hamilton upon the head with the side of a little axe, on the 28th of July, pleaded guilty to assault and battery. She was sent to the Penitentiary for six months. Michael Haggorty pleaded guilty to an assault,

the indictment charging that, on the 28th of August, he stabled John Sharkey in the side with a knile. Penitentiary one year was the sentence imposed.

Larcenies. Mary M. Hickey and Louisa Doran, who were charged with stealing, on the 10th of September, \$72 worth of jeweiry, the property of Isaac Levi, pleaded guilty to petit larceny. There were mitigating circumstances, which induced His Honor to

send the young girls to the City Prison for ten days.

Mary E. Smith was tried and found guilty of stealing \$40 from Lewis Limebach on the 16th of this month, at a disreputable house on Spring street. She was sent to the State Prison for two

years.

John O'Toole was convicted of carrying a slung shot with intent to use it. The Judge sent him to the Penitentiary for nine months.

Acquitinis.
Thomas Walsh and Andrew Flash were charged with burglariously entering the lager beer saloon of John H. Schloo, when some cigars and a few bottles of champagne were taken, on the 24th of August. or champagne were taken, on the 24th of August. The evidence was very slight, and the jury promptly rendered a verdict of not guilty. Rosanna Bowdell, a poor tailoress, was tried upon a charge of stealing six pairs of pantaloons on the 11th of this month from the custody of Ann McKenna. She was acquitted, having satisfied the Court and jury that she filiended to return the property when she finished making them.

TOMBS POLICE COURT.

Arraigned for Shooting His Brother. Michael Hogan, who shot his brother, Joseph, in West street night before last, was arraigned yesterday morning, before Judge Dowling. He was quite cool and apparently unconcerned, and had nothing to state in regard to the afray. He was held to await the result of his brother's injuries.

Alleged Bond Forgers Committed, The examination in the case of Thomas Connolly and Edward Upton, who were committed on the 17th of September last for trying to negotiate a

torged \$1,000 bond on the Massawippi Valley Ratiroad, took place yesterday. Mr. Emmons Raymond, president of the Passumpsic River Railroad, who first detected the forgery, and to whom the bond was sent for negotiation, appeared and made a formal complaint. Upton and Connolly, through their counsel, Mr. Abe Hummel, pleading not guilty, were held in \$1,000 each to answer at the General Sessions.

Young Moloney Pleads Guilty.

Tuesday last a boy named William Moloney en tered the store of Alonzo T. McMullen, No. 241 Broadway, and went as far as the back office. where Mr. McMullen had hung up his vest, containing his watch and chain. A friend of Mr. taining his watch and chain. A friend of Mr. McMullen's, sitting in the office, observing the boy's movements, asked him where his watch was. He replied that it was in his vest. "I rather think that boy has got in," answered his friend. The boy was then followed and caught, and the watch and chain found in his possession. Moloney when brought to Court this morning was instantly recognized by Justice Dowling. He was held in default of \$1,000 to answer at the General Sessions.

Miss Wells' Watch. Miss Lizzie E. Wells, of Parkersburg, W. Va., arrived here yesterday morning in the steamer Rhode Island from Stonington, in company with her uncle, Mr. Albert C. Green, of Providence. On going out of her stateroom she left her watch and chain, valued at \$150, under her pillow. On recollecting them she returned, but they were missing. A negro waiter, named Victor Marteile, was seen by her uncle to enter the room after her departure. Martelle was field for examination. Ways That Are Dark and a Trick That

Was Vain. Yesterday Mr. O. D. Phelps, a gentleman from the interior, appeared before Judge Dowling as complainant against one James Williams, a confidence operator.

Mr. Phelps is a stout, elderly gentleman of good presence and an bonest, trusting nature. It seems that shortly after arriving in this city he fell a victim to the wiles of the "banco" men and lost a considerable sum of money. He put the case in the hands of Detective Doyle, who is engaged in working it up. The lesson was not lost on Mr. Phelps, who, day before yesterday, was

lost on Mr. Phe!ps, who, day before yesterday, was again accosted by one of the gentry with the inquiry, "Ah? Mr. Benedict, when are you coming down to look at those goods. You are Mr. Benedict, of Rochester, are you not?"

Judge Dowling—Well, what then?

Mr. Phelps—Well, tour Honor, I immediately suspected something. So I said, "I am not Mr. Benedict; I am mr. Jackson, I am distributed to the lisurely, when this fellow came up and said, "Ah, Mr. Jackson, I amglad to see you! How are the loiks at Niagara?" "You scoundrel," said I, "Pil throw you into the street." He then ran off and jumped on a car, but I never lost sight of him. I leaped on the car after him, and, when he got off, oldowed him closely and gave him into the hands of the officer.

of the officer.

Judge Dowling.—Take this man up to Superintendent Matsell, and let them take his picture.

Bring him back in the morning, and I'll investigate the matter further.

ESSEX MARKET POLICE COURT.

Alleged Embezzlement. At the Essex Market Police Court yesterday Isaac Goldstein was held to answer on a charge of

YORKVILLE POLICE COURT.

of Herman Mehrtens, of this city. Goldstein was given the aforesaid notes to deliver to a party in Brooklyn, and instead of doing so committed the alleged embezziement.

Another Nearly Fatal Posh. Yesterday afternoon Pat McDermott, of 524 West Forty-fifth street, and Archie McDonald, the son of a grocer next door, became involved in a quarrel regarding the boundaries of the Twenty-second ward. During the heat of the argument Mc-

Donald called McDermott some opprobrious names and pushed bim. The latter warned McDonaid not to repeat his attentions, or he would chastise him; but the warning was disregarded and McDonald, it is said, attempted a second time to push McDermott, when the latter struck time to push McDermott, when the latter struck him, and McDonaid, being under the influence of liquor, fell heavily on the sidewalk. The result was a severe cut on the right temple, from which he bled very freely. A doctor was summoned and the wound was dressed, but he was still so prostrated (whether from the effects of liquor, the blood he had lost, or fracture of the temporal bone, the doctor could not say,) that he was unable to appear in court to make a charge against McDermott. The latter was, however, committed by Justice McQuade, at the above court, to await the result of the injuries, on the complaint of the officer.

Slung Shot.

Roundsman Holmes, of the Twenty-second pre-cinct, accused John H. Pisher of carrying a slung shot, which he said he had received from a brother, who had come only a few days since from the West. He was committed, in detault of \$2,000 ball, to keep the peace for twelve months.

COURT CALENDARS THIS DAY.

COURT CALENDARS THIS DAY.

SUPREME COURT—UNAMBERS—Held by Judge Faucher.—Nos. 85, 101, 112, 113, 114, 123, 147, 113, 149, 151, 161, 168, 179, 193, 194, 195, 196, 197, 201, 203, 204, 206, Call, 207.

Marine Court—Part 1—Held by Judge Curtis.—Nos. 2978, 2891, 2995, 2998, 3009, 3002, 3004, 3006, 3018, 3016, 3018, 2020, 3022.

Court of General Sessions—Held by Judge Sutherland.—The People vs. Albert Miller, felouious assault and battery: Same vs. Bernard Lynch, telonious assault and battery: Same vs. Louis Bourgeois, felonious assault and battery: Same vs. Louis Bourgeois, felonious assault and battery: Same vs. Patrick McShane and Charles McShane, felonious assault and battery: Same vs. John Hoffman and John H. Cody, burglary: Same vs. John Hoffman and John H. Cody, burglary: Same vs. Samuel F. Tilton, grand larceny: Same vs. Samuel F. Tilton, grand larceny: Same vs. James Mooney, grand larceny: Same vs. James Seymore and John Nugent, grand larceny: Same vs. James Seymore and John Nugent, grand larceny: Same vs. Jelis Mubry, larceny from the person; Same vs. Delia Mubry, larceny from the person; Same vs. Solomon Wise, false pretences.

BROOKLYN COURTS.

Decisions. J. Q. Moore vs. E. J. Powers.—Motion to demur denied, with leave to plaintiff to apply counter-claim, and without prejudice to any motion he may make upon the trial. Motion for commissioner denied; \$10 costs.

James Kenney vs. A. Knos.—Complaint dismissed with costs.

James Kenney vs. A. Anos.—Companion with costs.

People, &c., ex rel. Renged vs. C. E. Blanshorne.—Custody of child to defendant.

J. N. Plisby vs. E. McCue.—Motion to change place of trial denied. \$10 costs.

Jewell Hadden, &c., vs. Phebe Jane Burn.—Order confirming report of referee and adjudicatory facts and circumstances as reported.

The case of Alice Mand Mooney against Pierre Smith, in which \$15,000 damages are claimed, will be tried in a few days.

CITY COURT.

Matrimonial Bonds Severed. Judge Neilson yesterday granted a decree of divorce in the case of Thomas E. Fay against his

wife Sarah Fay, on the report of the referee, D. R. Thompson. Esq., which showed that she committed adultery with one Thomas McConneil. The parties are under thirty-two years of age, and have two calidren.

L. R. Dickerson for the plaintiff; E. W. Bloom for the defendant.

COURT OF SESSIONS. A Wife Deserter Tired of Jall.

Before Judge Moore and Associates. George V. Sprague was arrested about two weeks ago for abandoning his wife, and committed to the Penitentiary by Justice Wash. Yesterday he was brought before Judge Moore on a writ of habeas corpus to be released from jail. His wife was present in Court and objected to his release. Several witnesses testilled that Sprague was any-thing but faithful to his marriage vows, and Judge Moore refused to shorten the term of his imprison-

Alleged Attempted Outrage.

Charles H. Bowers, a colored man, was placed o trial, charged with committing an outrage on Catharine Young, a woman, sixty years of age, on the ath of July last. In the struggle she was seriously injured. The prisoner was found guilty of assault and battery, and sentenced to six months in the pententiary. Mr. J. U. Shorter defended the prisoner.

Theft. John Rice pleaded guitty to grand larceny in tak-ing goods to the value of \$21 from Minnie Ernard,

and was sentenced to the penitentiary for sixty Assault. Andrew Lavendu was found guilty of committing

a violent assault on Catharine Hock and sentenced to six months' imprisonment. Not a Burglar. George McGee was arraigned on a charge of burglary in the first degree for entering the sleeping apartment of Mrs. Brand at one o'clock in the

morning. The prisoner proved a good character, and the jury, after hearing the evidence, brought a verdict of not guilty. Mr. Charles H. Burtis for defendant, Grand Jury Doings.

THE GOODRICH CASE.

The Grand Jury have completed the examination of witnesses in the Goodrich murder case, and will probably, find an indictment for murder in the first degree against Lizzie Lloyd King alias Kate Stoddard. The result will be made known to-day.

It is said that the Grand Jury have found an indictment against M. T. Rodman, late Deputy City Treasurer. District Attorney Britton refuses to indicate what action will be taken in the prosecution of the treasure tnieves, but it is believed a noile prosequi will be entered in the case of Rodman, and that the latter will be used as a witness against Sprague.

COMMISSION OF APPEALS CALENDAR.

ALBANY, Sept. 30, 1873.

The following is the Commission of Appeals calendar for October 1:—Nos. 196, 197, 178, 179, 198, 199, 201, 147.
On and after to-morrow there will be an afternoon session, commencing at four o'clock.

SANITARY MATTERS.

Reports on the Condition of Nuisances. At a meeting of the Board of Health, held yesterday afternoon, a petition was received from a number of citizens complaining of the condition of Hanover square. The Board ordered that suits be brought against the parties making a nuisance of that locality. The following reports were received

SANITARY BUERAY, New YORK, Sept. 30, 1973.

I have the honor to submit the following report upon the surine and sunwholesome fruit selfed by the special inspectors of fruit since are less feport:—From the 24th to the 30th lines, inclusive, inspectors wholishan and Frank assisted by Cimper Mooney, of the Sanitary Police, seized and condemned surine and endemned surine and endemned with a surine seize of the sanitary seize of the sanitary

From the 34th inst. to the 29th, Inclusive, Impectors Conrey and Ashman, assisted by Officer Rhodes, of the Sanitary Police, have condemned and seized, or caused to be removed at the expense of the owner, the following quantities of objectionable fruit and vegetables:—4 harrels of muskuedoms, 325 watermeloms. 39 barrels of apples, 3 crates. If baskets and 3 barrels of peas, 15 crates of grapes, 4 barrels of turnips. 2 barrels of egg plants, 156 heads of cabbase, 7 barrels of polates, 55 barrels and 50 cars of corn, 4 baskets cab apples, 17 baskets and 7 crates of peaches and 1 barrel of spolled grouss. All of which is respectfully submitted.

WALTER DE F. DAY, M. D., Sanitary Sup't.

CONDITION OF THE STREETS AND AVENUES.

SANITARY BUREAU, Sept. 30, 1872.

STEPHEN SMITH, Chairman of Sanitary Con militee:—
Sim-I have the honor to submit the following report upon the condition of the streets and avenues of the city in regard to cleauliness, for the week ending September 27, 1878, compiled from the usual weekly reports of the inspectors and assistant inspectors connected with this Bureau:—
Inspector Judson (First, Third and Fifth wards) reports

Sureau:— Inspector Judson (First, Third and Pifth wards) reports that there has been no material change in the condition of the streets in his district since the date of his last report. The streets, as a rule, are flithy for the want of

port. The streets, as a rule, are flithy for the want of proper cleaning.

Assistant Inspector Lockwood (Second and Fourth wards) reports that during the past week the streets have been kept in a generally cleanly condition.

Inspector Tracy Cixth ward reports that the streets in his district have been during the past week very clean, with the exception of Centre street, from Canal to White and from Worth to Pearl; Park street, from Canal to Pearl, and the unpaved portion of the Five Points.

Assistant Inspector Hughes (Eighth ward) reports that the streets in his district are in a fair state of cleanlithe streets in ms district are the streets in the streets in the exception of Greenwich street, Spring street, between Renwick and West streets; Thompson and Sullivan streets, and Fifteenth wards) reports the condition of the streets in his district as quite good, the only complaints being of some streets where building is coing on.

and Suilivan streets.

Inspector Morris (Nuth and Fifteenth wards) reports the condition of the streets in his district as quite good, the only complaints being of some streets where building is going on.

Inspector Bryant (Tenth and Thirteenth wards) reports that the only improvement noticed in the condition of the streets of his district is owing to the repairs performed by the Department of Public Works.

Inspector Munde (Eleventh ward) reports that the streets in his district have, without exception, been in a clean condition during the past week.

Inspector Hall (Fouriecenth ward) reports that the streets in his district have, without exception, been in a clean condition during the past week.

Inspector Hall (Fouriecenth ward) reports that the streets of his district have been concrally clean during the streets of his district have been concrally clean during the tweeth streets of his district have been concrally clean during the week the streets in his district have been well swept and clean.

Inspector Russell reports the streets of the Eighteenth ward as quite clean.

Inspector Russell reports the streets of the Twenty-first ward as in a fair sanitary condition.

Assistant Inspector Ewing (lower part of Twenty-second Ward) reports that during the past week the streets of his district have not been as clean as usual. He mentions as inexcusably dirty Forty-fourth street, between Tenth and Eleventh avenues.

Inspector Post (lower part of Nineteenth ward) reports the streets of his district in a good and cleanly condition, with the following exceptions: "Forty-first street, between First and Second avenues; Forty-first privative forty-first privative forty-first, Firty-sixth and Forty-seventh streets, between First and Second avenues; Forty-fourth, Forty-sixth and Forty-seventh streets, between Forty-seventh forty-seventh streets, seventh wards reports the street of his district clean and in good condition. All of the many streets are all agree week that ended on Suturday, the 27th inst. Sof deaths were rep

mortality of 27% in 1,000 inhabitants.

London, in the second week of September, had a death rate equal to 21 per 1,007 wearly; and with tweaty other large cities and towns of Great Britain the average rate was equal to 24 per 1,000. Manchester and Leeds had each a mortality equal to 31, and Liverpool 24 per 1,000. Paris reported a rate equal to 27 per 1,000 yearly; Brussels, 25; Vienua, in the previous week, 65 per 1,000—618 out of 771 deaths being caused by cholera. In Rome the first week of September the rate was equal to 23.5 per 1,00; in Amsterdam it was 41, and in Copenhagen 28 per 1,000 yearly rate.

Only in the cities of the united states.

Only in the cities of the Guif coast and Mississippi Valley is there any unusual moriality by epidemics. The President of the Louisians Board of Health writes, under date of September 26, "The Shreveport fever is simply yellow fever. " * killing from 50 to 75 out of 100." " Memphis has more actual fever than New Orleans; Pensacola vatily more." From the towns that have been visited by cholera in the Southwest, the testimony which reaches us daily is signally uniform in regard to the connection of its prevalence with post vice neglect of cleansing and the maintenance of a suitable sanitary supervision of the towns that have been visited by this destroyer. Respectfully submitted.

ELISHA HARRIS, M. D., Registrat.

CONTAGIOUS DISPASS.

SANIYANY BUREAU, New York, Sept. 30, 1873.

To the Board of Health, of the Health Department,
Eugons Clark, Secretary:
I have the honor to submit the following comparative statement of contagious diseases reported to this
Bureau for the two weeks ending Ecpt. 27, 1873:—

walter DE F. DAY, M. D.

"THAT SAME MAN GREEN."

Reformer Foley Draws a Dark Picture of the Comptroller.

Two Years of the "Watch Bog" and an Increase of One Hundred Millions in the City Bebt.

Foley Declares Him To Be "Incapable," "Culpable" and "Unfit" for His High Office.

Horrible Scenes in the Central Park After Dark.

What Has Green Done with the Grayback Police?

A reporter of the HERALD called yesterday after-noon on Mr. John Foley for the purpose of getting his opinion in regard to the action taken by the Reform Association meeting on Saturday night, at which Comptroller Green was severely censured. Mr. Foley presided at this meeting, and with the presumption in his mind that the latter gentleman was quite conversant with the tactics pursued by Andrew H. Green during the two years that he has filled the office of Comptroller of this city, the reporter ventured to ask some information of Mr. Foley. The well-known reformer was found in his library, and, after the usual preliminaries the interview began.

REPORTER-I have called, Mr. Foley, in regard to the action taken last evening in the meeting of the Reform Association, held at the Everett House, of which you were chairman, Will you be kind enough to inform me under what circumstances the resolutions were brought forward in condemnation of Comptroller Green?

Mr. Folky-The Committee on Reorganization of the Reform Association were pressed by prominent citizens from all sections of the city to take some action in relation to the conduct of Mr. Green and

HIS MANAGEMENT OF THE FINANCE Department. While the enrolling officers of the Reform Association in all the Assembly districts of the city were most successful in their work they discovered much opposition from all classes of citizens, who, under misapprehension that the Re-Comptroller, Mr. Green, and under this misapprehension several thousand citizens refused to have anything to do with the Reform Association. The committee resolved, after careful consideration, to present the resolution to the meeting, for the purpose of setting the Association right with the people of this city, and particularly with the

WORKINGMEN AND TAXPAYERS. Being convinced that under the present unfortunate management of Mr. Green the ruin of this city anancially must be near at hand, the committee decided to present the resolution to the meeting without the knowlege of the representative delegates from the various Assembly districts, to see how they would be received. The result was a unanimous adoption of the resolution condemning Green, followed by tremendous applause. When their action is known throughout the city the enrolment will be increased by several thou-

sand votes.

REPORTER—Can you give me any approximate Idea of what the debt of the City and County of New York was when Andrew H. Green assumed the Comptrollership?

Mr. POLEY—The debt of the City and County of NINETY-PIVE MILLIONS OF DOLLARS.
REPORTER—How long has Mr. Green been the

REPORTER—How long has Mr. Green over the Comptroller?

Mr. FOLEY—Two years ago yesterday Green got possession of the Comptroller's office, which resulted from my injunction, granted against the Ring by Judge Barnard.

REPORTER—What is the debt of the city and county of New York now?

Mr. FOLEY—The bonded and floating debt of the city and county of New York to-day is between \$190,000,000 and \$200,000,000; so that you can see for yourself that Mr. Green has increased the debt of the city \$100,000,000 in two years. I have given more attention to city matters than any other private citizen in this community, and I know whereof I speak. Personally I have no feeling against Mr. Green; but when I find that he refuses and has refused to pay workingmen, clerks and the poor girls who have to teach school their small and hard-earned salaries, I cannot help but thing of the unlimited thousands of dollars.

their small and hard-carned salaries, I cannot help but think of the unlimited thousands of dollars that he has and is continually giving to lawyers, without a shadow of legal authority, in fruitless and unsuccessful attempts to defeat the payment of the honorable and just debts of the city. And when I find such

without a shadow of legal autority, in Finites and unsuccessful attempts to defeat the payment of the honorable and just debts of the city. And when I find such A GROSS OUTRAGE perpetrated on the taxpayers of this city in the payment by him to an Albany lobbyist of \$7,500 for services in securing the retention of Andrew H. Green as Comptroller by a clause in the last charter, I have only to say that all his boasted honesty will hardly hold water. By his misconduct the people of this great metropolis have been humiliated and degraded to such an extent that they are determined to have a change in the office of Comptreller, and nothing he can do will stop the avalanche of public opinion which is now beginning to roil down upon him. You may remember the case of Mrs. Mary Hanley, the poor scrubbing woman. She had frequently left her sick bed to do her work, poor woman! and when nature overpowered her, so that she was not able to go to the Court House to scrub, she sent her daughter, who performed her mother's work properly and faithfully. Yet, notwithstanding that the services of Mrs. Hanley had been fulfilled faithfully, Green refused to pay her HER HARD-WON PITTANCE, which she had earned sometimes at the risk of her life. Well, she had to go into Court and incur legal expenses, which of course she could not afford, to compel Green to pay her bill; and this is the same man who is paying hundreds of thousands of dollars to lawyers for litigation which invariably results in adding more and more to the debt of our city. For inefficiency and complete unfitness, and for lack of business capacity, he has no equal—this same Andrew H. Green. When I think of the case of this poor woman, and contrast it with the case of a certain large contractor, who was anxious to procure the heavy amounts due to him on his contracts, and which the Comptroller had repeatedly refused to pay, until the cunning contractor it upon the happy expedient of assuring Mr. Green that he, the contractor, had powerful influence in his section of the ci

has already cost five times more money than was stolen by

THE RING SWINDLERS,
and he is so anxious for power that when the question of expenditure comes up in any department of the city government, whether it is to buy a box of matches or to purchase the site of a new City Prison, Andrew H. Green must have entire control of it in order to make places for his favorites and to gratify his own will by compelling all other departments to knuckle down to his wishes in the premises. Take the management of his own office for expenses of that office alone he pays out from \$2,000 to \$3,000 a year more than Connolly paid during the most extravagant time of the Ring rule. To his supendiaries he pays \$5,000 and \$6,000 a year salaries, while Connolly never dared to pay for light services over \$2,000 a year. This fact I state after a careful inspection of this man

This fact I state after a careful inspection of this man

GREEN'S PAY ROLLS.

REPORTER—Well, Mr. Foley, what is to be done in regard to Green and his mismanagement of the Comptroller's office?

Mr. Folex—Sir, the time has arrived when it becomes a public necessity to make a change in the personnel of that department. The whole affairs of the Comptroller's office at this moment are in a fearfully confused condition, and if the public were in possession of the true facts in connection therewith Green would not be tolerated twenty-four hours. Two years ago, when the city had been brought to the verge of ruin by the outrageous dishonesty and corruption of the Ring managers, I stepped forward into the breach, feeling that something had to be done—and done at once—and I may say that I helped, materially, to drive the

drive the

THIEVES FROM THEIR PREY
and to secure what I supposed would be an honest
and faithful management of the affairs of the city.
Now affairs have reached that point where the
people demand immediate relief; I firmly believe
that a remedy can always be found to correct an
evil. I see my way clear to three remedies in this
case, and in compliance with the almost unanimous desire of the people of this city. I propose,
within a few days, to apply such an effectual cure
to this "green disease" that will prove as suc-

cessini as the remedy which I applied to the cure of Conneily and the ring scoundrels two years ago. All classes of our citizens, the workingmen as well as the heavy taxpayers are sick and disgusted with the management of the Comptroller's Office, and I have never known the people to be so united upon any one question as upon that of the shamefully bad management of the Comptroller's Office, told Mayor Havemeyer, before his election, on several occasions, that Green, by his incapacity and mismangement of his office, had done more to defeat reform and good government than all the efforts of the

mismanagement of his office, had done more tedofeat reform and good government than all the
efforts of the

TAMMANY BRIGANDS.

Look at the present condition of the city government? The people of the city may not be aware of
the fact, out I regret exceedingly to state that at
the present moment nearly all the departments are
fighting and wrangling among themselves through
this same man Green. The public imprevements
are either at a standstill or are only making progress at a snail's pace. The result is that nundreds
of honest and worthy workingmen are thrown out
of employment, because of the meddiasome interference of that same man Green in the
affairs of other departments than his own
in the city government. Take, for example, the
Department of Parks, where, because of Green's
hostility to the late cinef. Colonel Stebbins, who
had been for years a most devoted personal friend,
Green interfered, and the Department became as
crippied for want of funds that hundreds of workingmen were discolarged, and the Park police became so reduced in numbers that the mightly
seenes enacted within its borders would be more
in keeping with the morals and customs of the
people of Corinth or of Sait Lake rather than in a
christian community like New York city.
Formerly there was a force of 100 policemen
in the Central Park. It has been reduced to
twenty-seven men. You may fancy from this reduction what demon-like orgies and witches' sabbaths are nightly held in that beautiful park. A
change must take place shortly in the management
of Green's office. I hope you will not now ask me
any more questions about

This SAME MAN, GREEN.

I am niterly tired and slok of hearing his name in
company with all the citizens of New York. A
change will come soon, and I am positive he will
not retain his office sixty days longer.

MUNICIPAL AFFAIRS.

THE COMPTROLLER AND THE BANKS.

There appears to be great anxiety felt about the office of the Comptroller over the taxes due from the banks-nearly \$2,000,000 in all. On Monday the Deputy Comptroiler called upon Clerk Pinckney. who is preparing the books, and instructed him to work his clerical lorce day and night until this book, in which the banks' indebtedness is re-corded, has been completed. "Have plonty of men on," said Mr. Storrs; "when one falls asleep replace him with another, and don't stop or delay work until it is ready."

THE "CITY RECORD" SCHEME.

The "Waste Basket" of the City, that Costs \$37,000 a Year and Circulates

Twenty-six Copies a Day. The folly of the law that established the little sheet atyled the City Record, in which to record the official proceedings of the departments and enlighten the public upon the doings of the mag; nates who direct the destruies of nearly a million people, is well illustrated in the following figures, showing its sales since it was founded at an expense of \$37,000 a year. The paper is supplied to
all the departments free of charge, but all other
copies are charged for under the law at the rate of
ten cents per copy. except to wholesale dealers,
who pay eight cents per copy. The following are
THE RETURNS OF SALES:

Against et 10.

16 96 10 44 18 92 14 10 13 36 20 73 11 27 27 29 12 95

THE EASTERN BOULEVARD.

The Maps and Plans Filed by Commissioner Van Nort-The Route of the Boulevard.

The maps and plans for the Eastern Boulevard have been filed by Commissioner Van Nort, in accordance with law. It shows the streets and ave nues designated by law, and that portion left to the discretion of the Commissioner of Public Works. The great difficulty with the Commissioners was to get around the bog that sets in between Ninetieth and 100th streets, and at some points reaches clear up to First avenue, to continue the boulevard from corner of avenue A and Eighty-sixth street to 116th street. To run diagonally across the lots from this point to the corner street to lieth street. To run diagonally across
the lots from this point to the corner
of First avenue and Ninety-sixth street would be
very expensive in acquiring property, so the Commissioners had located the boulevard from avenue
A, through Eighty-sixth street, to First avenue,
and thence along first avenue to 110th street. The
following are the proposed extensions:—Seventysecond street, from Fifth avenue to avenue A;
avenue A, from Fifth avenue to Eighty-sixth
street; Seventy-hinth street, from avenue A to
avenue B; avenue B, from Seventy-eighth to Fightysixth street; Fighty-sixth street, from Fifth to First
avenue; 110th street, from Riverside avenue to
First avenue; 110th street, from Sixth avenue to
avenue A; 12th street, from Sixth avenue to
avenue, 10th street, from Sixth avenue
avenue, 10th street, from Sixth aven

ALDERMAN M'CAFFERTY'S PROTEST.

Alderman McCafferty yesterday signed the warrants for the tax levy under the following protest:-Not wishing to embarrass the workings of the city government, I sign the warrants for the collection of the taxes for 1873, but with the distinct understanding that protest against the expenditure of any money for the erection of a new city prison, the establishment of a nattical school, or the maintonance of or any expense that may be incurred by the establishment of the new Commission of Charitable Corrections.

NEW YORK, Sept. 30, 1873. ROBERT McCAFFERTY.

THE FIRE DEPARTMENT REVIEW. The inspection of the Fire Department by the Commissioners, that began on Monday, was con-tinued yesterday in City Hall Park. The force yesterday reviewed was the Second battalion, con-sisting of steamers Nos. 12, 32, 31 and 37, and hook and ladder No. 1. The men and machines looked very neat, except that a few of the uniforms of the men were rather seedy to appear on parage.

COMMISSIONERS OF EMIGRATION.

Enactment of Routine Business. It was expected that the meeting of the Commis-ioners of Emigration in their session yesterday would be enlivened by a discussion involving differences of religious opinions in connection with the church difficulties on Ward's Island, but the members present were in a pacific mood, and an allosion was made to the expected bone of con-

adjusion was made to the expected bone of contention.

A letter of resignation was received from L. R. Wells, Superintendent of Ward's Island, to take effect on the 1st of November.

About 100 children were reported by Superintendent Webster as being in charge of the commission on Ward's Island and in need of suitable homes. On motion the Superintendent was directed to investigate and report upon the subject.

Commissioners Starr and Stephenson were named a committee to procure a larger supply of water

subject.

Commissioners Starr and Stephenson were named a committee to procure a larger supply of water for Ward's Island.

An application was read from Peter McDonald for license to sell railway tickets, on behalf of the New Jersey Central Railway Company, at Castle Garden.

License refused.

Commissioner Scarr moved to dispense with the services of Dr. Sterling as examining physician at castle Garden on account of his extreme age, and to appoint in his stead Dr. Sidney H. Chapin. This gave rise to a long discussion, in which it was stated that the incumbent is between eighty and ninety years old and has served the Emigration Commission from its organization, over twenty-five years ago, with entire satisfaction. It was proposed to give the old Doctor a pension or te appoint Chapin as his assistant and continue Sterling at a reduced salary. Finally the matter was laid on the table.

On motion of Commissioner Stark, Mr. Smith, who had been suspended from duty as boarding officer, was assigned to other duty, at a salary off \$1,200.

Thomas Hastings was appointed messenger at Castle Garden, in place of Mr. Shanahan, deceased.

omeer, was assigned to other duty, at a samp of \$1,200.

Thomas Hastings was appointed messenger at castie Garden, in place of Mr. Shanahan, decreased. George Krause was designated as chief boarding officer, and the salary of Mr. Green, in the Labor Bureau, was raised to \$1,250.

After the formal adjournment of the commission arrangements were perfected for the tour of inspection to be made by the commissioners to the various institutions under their charge to-morrow, on which occasion Governor Dix is to be the guest of the commission.